

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB59)

Received: 5/14/2013	Received By: phurley
Wanted: Today	Same as LRB:
For: Evan Goyke (608) 266-0645	By/Representing: Ryan
May Contact:	Drafter: phurley
Subject: Criminal Law - law enforcement	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Reasonable suspicion must be from credible source

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 5/14/2013	jdyer 5/14/2013	rschluet 5/14/2013	_____	sbasford 5/14/2013	sbasford 5/14/2013	

FE Sent For:

<END>

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/1	phurley			_____			

FE Sent For:

<END>

Hurley, Peggy

From: Knocke, Ryan
Sent: Monday, May 13, 2013 5:03 PM
To: Hurley, Peggy
Subject: AB59 Amendments - Rep. Goyke - Need by COB Tuesday

Importance: High

Peggy-

I hope this message finds you well and that you and your family are enjoying the beautiful weather. Makes it harder to work inside for so long!

Rep. Goyke noticed that AB59 is scheduled for Executive Session on Thursday (notice sent out today) and wanted to draft some amendments to be considered in Thursday's hearing. I have outlined the amendments below as I dictated them over the phone. Since it appears you are the AB59 drafter it is my understanding that I should forward these to you. Thank you for any help you can provide. Please let me know if you need anything clarified by Rep. Goyke. All the best!

- Ryan

- 1.) Removes the language that applies the law to people who have been convicted of a misdemeanor that are on probation/parole. *0170*
- 2.) Removes the language that applies the law to people who have been convicted of a non-violent offense. *0171*
- 3.) Evidence obtained by a search under the bill would be subject to the exclusionary rule if search was done without a reasonable cause/suspicion. *0172*
- 4.) Evidence obtained by a search under the bill would be excluded from a revocation hearing if search was done without reasonable cause/suspicion. *0173*
- 5.) The reasonable suspicion that could/would trigger a search must be derived from a credible/reliable witness and/or evidence. Rep. Goyke stated there is something that defines reliable evidence in statute. The idea here is that a crazy ex for example can't randomly make accusations that have to trigger a search per the bill's instructions. *0174*

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0474/1

PJH:.....

Jld

ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 59

*today
O-note*

1 At the locations indicated, amend the bill[✓] as follows:

2 **1.** Page 2, line 4: after "suspects" insert ", based on reliable and credible
3 information,".[✓]

4 **2.** Page 2, line 15: after "suspects" insert ", based on reliable and credible
5 information,".[✓]

6 **3.** Page 3, line 5: after "suspects"[✓] insert ", based on reliable and credible
7 information,".

8 **4.** Page 3, line 14: after "suspects" insert[✓] ", based on reliable and credible
9 information,".

10 **5.** Page 3, line 23: after "suspects" insert[✓] ", based on reliable and credible
11 information,".

1 **6.** Page 4, line 8: after “suspects” insert “, based on reliable and credible
2 information,”.

3 **7.** Page 4, line 18: after “suspects”[✓] insert “, based on reliable and credible
4 information,”.

5 **8.** Page 5, line 3: after “suspects” insert “, based on reliable and credible
6 information,”.

7 **9.** Page 5, line 12: after “suspects” insert “, based on reliable and credible
8 information.” ✓

(END)

d-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0474/1dn

PJH: ^:....

date

Jld

Representative Goyke,

Please review this amendment to ensure it is consistent with your intent. I could not find a definition of "reliable evidence" but the phrase "reliable and credible information" is used several times throughout the statutes, so I used that phrase in this amendment. If you would like a more specific definition, or if you have another phrase in mind, please let me know.✓

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0474/1dn
PJH:jld:rs

May 14, 2013

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